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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 JOSE ABEL DE LOS SANTOS-NINO,
aka "Jose Abel Delossantos,"
12 aka "Jose Abel de los Santos,"
aka "Jose Dejesus Delossantos,"
13 aka "Ninojose Abel Delossantos,"

14 Defendant.

Case No. 2:21-mj-00749-DJA

15 **ORDER to Extend
Deadlines to Conduct
Preliminary Hearing and
File Indictment (Second
Request)**

16

17 The parties jointly request that the Court schedule the preliminary hearing in this
18 case for no earlier than 60 days from the date of the filing of this stipulation. This request
19 requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted
20 within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and
21 (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18
22 U.S.C. § 3161(b).

23 This stipulation is entered into for the following reasons:

1 1. The United States Attorney's Office has developed an early disposition
2 program for immigration cases, authorized by the Attorney General pursuant to the
3 PROTECT ACT of 2003, Pub. L. 108-21.

4 2. The early disposition program for immigration cases is designed to: (1)
5 reduce the number of hearings required in order to dispose of a criminal case; (2) avoid
6 having more cases added to the court's trial calendar, while still discharging the
7 government's duty to prosecute federal crimes; (3) reduce the amount of time between
8 complaint and sentencing; and (4) avoid adding significant time to the grand jury calendar
9 to seek indictments in immigration cases, which in turn reduces court costs.

10 3. The government has made a plea offer in this case that requires defendant to
11 waive specific rights and hearings in exchange for "fast-track" downward departure under
12 USSG § 5K3.1.

13 4. Defendant has accepted the government's plea offer. He is scheduled for an
14 arraignment, change of plea hearing, and sentencing on January 26, 2022.¹

15 5. Accordingly, the parties jointly request that the Court schedule the
16 preliminary hearing in this case no sooner than 60 days from today's date.

17 6. Defendant is in custody and agrees to the extension of the 14-day deadline
18 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
19 § 3161(b), provided that the information or indictment is filed on or before the date ordered
20 pursuant to this stipulation .

21 7. The parties agree to the extension of that deadline.

22
23

24 ¹ ECF. 18.

8. This extension supports the public interest in the prompt disposition of criminal cases by permitting defendant to consider entering into a plea agreement under the United States Attorney's Office's fast-track program for § 1326 defendants.

9. Accordingly, the additional time requested by this stipulation is allowed under Federal Rule of Criminal Procedure 5.1(d).

10. In addition, the parties stipulate and agree that the time between today and the scheduled preliminary hearing is excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

11. This is the second request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 7th day of December, 2021.

Respectfully Submitted,

RENE L. VALLADARES
Federal Public Defender

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ *LaRonda R. Martin*

/s/ *Jared L. Grimmer*

LARONDA R. MARTIN
Assistant Federal Public Defender
Counsel for Defendant JOSE ABEL
DE LOS SANTOS-NINO

JARED L. GRIMMER
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:21-mj-00749-DJA

Plaintiff,

ORDER on Stipulation to Extend Deadlines to Conduct Preliminary Hearing and File Indictment

JOSE ABEL DE LOS SANTOS-NINO,
aka "Jose Abel Delossantos,"
aka "Jose Abel de los Santos,"
aka "Jose Dejesus Delossantos,"
aka "Ninojose Abel Delossantos,"

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on December 13, 2021 at the hour of 4:00 p.m., be vacated and continued to January 31, 2022, at 4:00 p.m., Courtroom 3A.

DATED this 7th day of December, 2021.

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**HONORABLE DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE**